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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,486	01/08/2001	Carol A. Rehtmeyer	22500.3	4227
9355	7590	06/14/2004	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, PA P.O. BOX 3791 ORLANDO, FL 32802-3791			BRUCKART, BENJAMIN R	
		ART UNIT	PAPER NUMBER	
		2155	6	
DATE MAILED: 06/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

PPL

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/756,486	REHTMEYER, CAROL A.	

Examiner	Art Unit	
Benjamin R Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1)  Responsive to communication(s) filed on 08 January 2001.
- 2a)  This action is FINAL.                                    2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4)  Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-15 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 5.
- 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

***Detailed Action***

Claims 1-15 are pending in this Office Action.

***Information Disclosure Statement***

The information disclosure statement filed on paper 5 has been considered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-8, 14, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2001/0055978 by Herrod et al.**

Regarding claim 1, a communications system (Herrod: page 1, paragraph 16) comprising:  
a first communication device for a first user (Herrod: page 1, para 15; terminal)  
having:

means for communicating through a network (Herrod: page 1, para 16);  
means for transmitting and receiving electromagnetic waves for  
communicating with a second user having a second communication device  
(Herrod: page 1, para 16; page 5; 93; mail delivery);  
a processor in electronic communication with the communicating means  
and the transmitting and receiving means (Herrod: page 1, para 15; page 4, para  
75);

storage means in communication with the processor (Herrod: page 4, para 76); and

input and output means in electronic communication with the processor for receiving and displaying information to and from a first user (Herrod: page 3, paragraphs 69-73);

a provider system (Herrod: page 1, para 16; host) having:

means for recognizing the first user initiating a communication through the network (Herrod: page 6, para 105, 106); and

means for sending a targeted communication based upon a predetermined criterion based upon a set of stored data on the first user and for inserting the communication into the storage means (Herrod: page 6, para 106); and

software means resident within the processor having means for, upon a communication being established by the first user with a second user, relaying the targeted communication to the second user via one of the transmitting and receiving means and the communicating means (Herrod: page 1, para 16; page 5, para 93; page 10, para 143; mail demonstrates sending a message to a recipient).

Regarding claim 2, the communication system recited in claim 1, wherein the first communication device comprises a portable unit (Herrod: page 1, paragraphs 15 and 16).

Regarding claim 3, the communication system recited in claim 1, wherein the first communication device comprises a housing comprising a base and a screen sector connected thereto, wherein the output means comprises the screen sector (Herrod: page 3, para 69-72; Figures 1 and 4).

Regarding claim 4, the communication system recited in claim 1, wherein the communicating means comprises a modem (Herrod: page 4, para 83).

Regarding claim 5, the communication system recited in claim 1, wherein the transmitting and receiving means comprises a radio-frequency antenna (Herrod: page 10, para 141).

Regarding claim 6, the communication system recited in claim 1, wherein the input means comprises a keyboard (Herrod: page 3, para 70-71).

Regarding claim 7, the communication system recited in claim 1, wherein the targeted communication comprises an advertisement (Herrod: page 6, para 106).

Regarding claim 8, the communication system recited in claim 1, wherein the predetermined criterion is selected from at least one of a plurality of demographic data (Herrod: page 6, para 103, 106, 107).

Regarding claim 14, a communications method (Herrod: page 1, paragraph 16) comprising the steps of:

permitting a first user to communicate using a first communication device through a network with a site for receiving a communication from a second user (Herrod: page 1, para 16; page 5, para 93; page 10, para 143; mail demonstrates sending a message to a recipient);

recognizing the first user (Herrod: page 6, para 105, 106);

accessing a database containing information on the first user (Herrod: page 11, para 152, page 6, para 106);

sending via the network a targeted message to the first user (Herrod: pages 6 and 7, para 106, 114);

storing the targeted message on the first communication device (Herrod: pages 6 and 7, para 106, 114; display message)

permitting the first user to communicate with a second communication device of a second user using the first communication device (Herrod: page 1, para 16; page 5; 93; mail delivery); and

automatically relaying the targeted message from the first communication device to the second communication device (Herrod: page 1, para 16; page 5; 93; mail delivery).

Regarding claim 15, a portable communication device (Herrod: page 1, para 15 and 16) comprising:

a housing having a first, a second, a third, and a fourth opening into an interior space (Herrod: Figures 1, 4, 18);

input means positioned within the housing and accessible through the first opening (Herrod: Figure 1, tag 15; page 70-71);

output means positioned within the housing and accessible through the second opening (Herrod: Figure 1, tag 18; page 3, para 72-73);

antenna means extending through the third opening (Herrod: Figure 18, tag 234; page 15, para 206);

interface means extending through the fourth opening for communicating with a network (Herrod: Figure 3; page 3; para 74; page 4; para 81-82);

storage means within the housing (Herrod: page 4, para 76);

a processor positioned within the housing and in electronic communication with the input, output, antenna, storage, and interface means (Herrod: page 4, para 75); and

software means resident within the processor having means for receiving via the interface means a targeted communication from a provider system and for relaying the targeted communication to another member of the provider system matching a set of predetermined criteria via the antenna means (Herrod: page 6, para 105, 106; page 1, para 16).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2001/0055978 by Herrod et al in view of U.S. Patent No. 6,141,006 by Knowlton et al.**

Regarding claim 9,

The Herrod reference teaches the communication system recited in claim 1, with targeted communication.

The Herrod reference does not explicitly mention an expiration date.

The Knowlton et al reference teaches a targeted communication (Knowlton: col. 8, lines 3-26) comprising an expiration date (Knowlton: col. 30, lines 39-53);

the software means further has means for determining a current date and means for blocking a relaying of the targeted communication if the current date is past the expiration date (Knowlton: col. 30, lines 39-53; col. 36, lines 30-35).

The Knowlton reference further teaches the invention overcomes problems with the construction and display of web pages that inhibits the presentation of goods, services, updates, and specials for goods or services (Knowlton: col. 2, lines 48-53).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the communication system with targeted advertising as taught by Knowlton while employing an expiration date as taught by Knowlton in order to overcomes problems with the construction and display of web pages that inhibits the presentation of goods, services, updates, and specials for goods or services (Knowlton: col. 2, lines 48-53).

**Claim 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2001/0055978 by Herrod et al in view of U.S. Patent No. 5,515,270 by Weinblatt.**

Regarding claim 10,

The Herrod reference teaches the communication system recited in claim 1, with targeted advertising while monitoring a user's activity (Herrod: page 6, para 106).

The Herrod reference does not explicitly disclose rewarding one's activities.

The Weinblatt reference teaches wherein the provider system (Weinblatt: col. 4, lines 38-39) further comprises means for determining an activity undertaken by the first user (Weinblatt: col. 6, lines 5-19) and for offering a reward to the first user if the activity is one of a predetermined set of reward-earning activities (Weinblatt: col. 3, lines 50-53).

The Weinblatt reference further teaches the invention rewards improves the speed in which a purchasing behavior is rewarded as well as targeting the reward in order to gain increased cooperation (Weinblatt: col. 3, lines 1-14).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the communication system with targeted advertising while monitoring a user's activity as taught by Herrod while rewarding activities by a user as taught by Weinblatt in order to improve the speed in which a purchasing behavior is rewarded as well as targeting the reward in order to gain increased cooperation (Weinblatt: col. 3, lines 1-14).

Claims 11-13 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Herrod et al and Weinblatt.

Regarding claim 11, the communication system recited in claim 10, wherein the set of reward-earning activities comprises usage time, accessing a particular site via the network, sharing information with the second user, and making a purchase from a selected vendor (Weinblatt: col. 3, lines 50-53; col. 4, lines 49-58).

Regarding claim 12, the communication system recited in claim 10, wherein the reward comprises at least one of a discount and a product (Weinblatt: col. 3, lines 1-14).

Regarding claim 13, the communication system recited in claim 10, wherein the set of stored data comprises an account containing data on accumulated reward status of the first user (Weinblatt: col. 2, lines 37-50; col. 4, lines 3-14).

*Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 5,995,943 issued to Bull et al teaches a system for collecting and analyzing information on user activity like purchases also and rewarding them.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

brb *BLB*  
June 9, 2004

*mlam*

**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**